

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 05-4735

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UNITED STATES OF AMERICA

v.

JOHN COOLEY,  
Appellant

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APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
(D.C. No. 02-cr-00040E)

District Judge: Honorable Sean J. McLaughlin

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Submitted Under Third Circuit L.A.R. 34.1(a)  
October 27, 2006  
Before: Smith, Weis, and Nygaard, Circuit Judges.

JUDGMENT

This cause came to be heard on the record from the United States District Court for the Western District of Pennsylvania and was submitted on October 27, 2006.

On consideration whereof, it is here now ORDERED AND ADJUDGED by this Court that the Order of the said District Court entered October 21, 2005 be, and the same is hereby affirmed.

All of the above is in accordance with the Opinion of this Court.

ATTEST:

/s/ Marcia M. Waldron  
Clerk

Dated: November 8, 2006

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**Certified as a true copy and issued in lieu  
of a formal mandate on November 30, 2006**

Teste:   
**Clerk, U.S. Court of Appeals for the Third Circuit**